

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
LIFE INSURANCE FUND ELITE LLC,

Plaintiff,

-against-

22 CIVIL 7423 (JSR)

**JUDGMENT**

HAMBURG COMMERCIAL BANK AG,  
CERBERUS EUROPEAN CAPITAL  
ADVISORS, LLP, and PROMONTORIA  
HOLDING 260 BV,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 7, 2023, the general rule enunciated in Grupo Dataflux and Pressroom -- that amendment of a complaint cannot create subject-matter jurisdiction out of thin air -- is binding on the Court and controls the disposition of this case. Thus, the Court reconfirms its Order of December 29, 2022. Defendants' motion to dismiss for lack of subject matter jurisdiction is hereby granted, and the First Amended Complaint is hereby dismissed with prejudice and without leave to amend; accordingly, the case is closed.

**Dated:** New York, New York

February 7, 2023

**RUBY J. KRAJICK**

\_\_\_\_\_  
**Clerk of Court**

**BY:**

*K. mango*

\_\_\_\_\_  
**Deputy Clerk**